

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA **RECEIVED**
EASTERN DIVISION

KYLE BENGSTON,)
)
PLAINTIFF,)
)
v.)
)
DAVID BAZEMORE, O.D. AND WAL-)
MART STORES, INC.)
)
DEFENDANTS.)

2006 JUL 26 P 3:05

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

3:06-cv-00569-SRW

PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT

COMES NOW Plaintiff Kyle Bengston, pursuant to rule 15(a) of the Federal Rules of Civil Procedure and 15.1 of the local rules of this Court and moves this Honorable Court for leave to amend the original complaint filed in this matter. The only purposes for the amendment are to correct the first name of Defendant "Bazemore," erroneously identified as "John Bazemore" in the original complaint and to add Wal-Mart Stores, Inc. as a party Defendant. Upon information and belief, the correct name of Defendant is David Bazemore. Furthermore, Plaintiff is adding Wal-Mart Stores, Inc. as a party Defendant in this case because Defendant Bazemore worked in its eye care vision center at all times relevant to the allegations in the complaint. Neither Defendant Bazemore nor Wal-Mart Stores, Inc. has been served in this case, therefore; neither party will be prejudiced by this amendment. Plaintiff requests that this case be re-styled as above indicated to reflect the proper parties now before the Court. Plaintiff's proposed amended complaint is filed simultaneously with this motion.

MOTION GRANTED

THIS 9th DAY OF August, 20 06
gma
UNITED STATES MAGISTRATE JUDGE